



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION FOR THE
IMPERIAL VALLEY SOLAR PROJECT
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC**

DOCKET No. 08-AFC-5

COMMITTEE ORDER DENYING MOTION TO SUSPEND PROCEEDING

Upon consideration of the Motion to Suspend the Proceeding filed by Intervenor, California Unions for Reliable Energy (CURE), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On July 13, 2010, a Motion to Suspend Proceeding in the above-captioned proceeding was filed by:

**California Unions for Reliable Energy
Loulena Miles
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080**

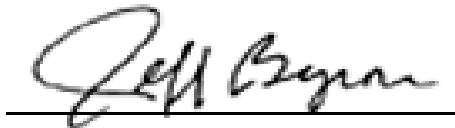
2. The Motion asks the Committee to suspend the proceeding in this matter because in CURE's opinion the proposed project water supply is neither adequate nor reliable.
3. In its Motion, CURE summarizes the state of the testimony and evidence to date. In short, the summary demonstrates that there is a dispute among the parties about the water supply. Applicant contends that the water supply from the Boyer well will be adequate and reliable for the project's construction and, if necessary, operations needs. Staff contends that the most the Boyer well could supply is 34 AFY. The evidence is not clear at this point whether that amount is sufficient for project needs. Applicant has stated that it will store water on-site to be used at times when extra water is needed during construction, for example at the time of concrete pours.
4. CURE also points out that the proposed permanent water supply, effluent from the Seeley Waste Water Treatment Facility, is not currently available due to ongoing preparation of an EIR for the upgrade to that facility. CURE suggests that the Seeley water may never become available to the project.

5. CURE then asks the Committee either to suspend the proceeding on the basis that the project does not have an adequate and reliable water supply or, alternatively, to impose a Condition of Certification requiring that project construction not commence unless and until the Seeley water is available.
6. CURE's motion is premature and unwarranted. The evidence is in conflict, and it is by no means clear that the project cannot and will not have an adequate and reliable water supply. There are differences of opinion among the expert witnesses, and it is the Committee's role to hear the testimony, review the evidence, and make a determination based upon the evidence. Furthermore, the topic of water supply is one of the topics scheduled for Evidentiary Hearings to begin on July 26, 2010, and additional testimony and evidence received at that time may help clarify or resolve this disputed topic.

ORDER

THEREFORE, the Committee **Orders** that the Motion of CURE to Suspend the Proceeding in this matter be **DENIED**.

Dated: July 19, 2010, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Imperial Valley Solar AFC Committee


ANTHONY EGGERT

Commissioner and Associate Member
Imperial Valley Solar AFC Committee